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**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

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300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601

**WATER RESOURCES BOARD INITIAL MEETING**

1 p.m. July 27, 2016

Room 232

Energy and Environment Cabinet  
300 Sower Blvd  
Frankfort, Kentucky

**AGENDA**

1. Welcome and Introductions
  - a. Logistics of 300 Building
  - b. Opening comments by Secretary Charles Snavely
  - c. Opening comments by Commissioner Ryan Quarles
  - d. Remarks by others
  - e. Recognition that Water Resources Board meetings are public meetings
    - i. Obligations
2. Background on Water Resources Board and H.B. 529
  - a. Distribute/review copies of the statutes (KRS 151.113)
  - b. Presentation regarding the goals of the Water Resources Board (Pete Goodmann)
  - c. Presentation regarding KFB Water Resources Workgroup (Steve Coleman)
  - d. Discussion regarding vision and direction of the Water Resources Board
3. Future Meeting Dates and Agenda Topics
  - a. Schedule of meetings
    - i. Funding and Grant opportunities/deadlines"
  - b. Topics for future agendas
4. Adjourn
5. Tour of the 300 Building (optional)

**151.110 Water resources policy -- Duties of cabinet.**

- (1) (a) The conservation, development, and proper use of the water resources of the Commonwealth of Kentucky have become of vital importance as a result of population expansion and concentration, industrial growth, technological advances, and an ever increasing demand for water for varied domestic, agricultural, industrial, municipal, and recreational uses. It is recognized by the General Assembly that excessive rainfall during certain seasons of the year causes damage from overflowing streams. However, prolonged droughts at other seasons curtail industrial, municipal, agricultural, and recreational uses of water and seriously threaten the continued growth and economic well-being of the Commonwealth. The advancement of the safety, happiness, and welfare of the people and the protection of property require that the power inherent in the people be utilized to promote and to regulate the conservation, development, and most beneficial use of the water resources. It is hereby declared that the general welfare requires that the water resources of the Commonwealth be put to the beneficial use to the fullest extent of which they are capable, that the waste or nonbeneficial use of water be prevented, and that the conservation and beneficial use of water be exercised in the interest of the people. Therefore, it is declared the policy of the Commonwealth to actively encourage and to provide financial, technical, or other support for projects that will control and store our water resources in order that the continued growth and development of the Commonwealth might be assured. To that end, it is declared to be the purpose of KRS Chapters 146, 149, 151, 224, 262, and KRS 350.029 and 433.750 to 433.757 for the Commonwealth to permit, regulate, and participate in the construction or financing of facilities to store surplus surface water for future use; to conserve and develop the ground water resources of the Commonwealth; to require local communities to develop long range water supply plans; to protect the rights of all persons equitably and reasonably interested in the use and availability of water; to prohibit the pollution of water resources and to maintain the normal flow of all streams so that the proper quantity and quality of water will be available at all times to the people of the Commonwealth; to provide for the adequate disposition of water among the people of the Commonwealth entitled to its use during severe droughts or times of emergency; to prevent harmful overflows and flooding; to regulate the construction, maintenance, and operation of all dams and other barriers of streams; to prevent the obstruction of streams and floodways by the dumping of substances therein; to keep accurate records on the amount of water withdrawal from streams and watercourses and reasonably regulate the amount of withdrawal of public water; and to engage in other activities as may be necessary to conserve and develop the water resources of the Commonwealth of Kentucky, and to ensure adequate supply of water for domestic, agricultural, recreational, and economic development uses.
- (b) The cabinet shall:
1. Provide leadership in water use efficiency for all water uses;

2. Promote conservation;
  3. Offer technical assistance and conduct research;
  4. Be the lead agency with other state and local agencies to incorporate conservation measures and incentives into their programs;
  5. Sponsor "technology transfer sessions" on water conservation to commercial and industrial operations;
  6. Provide leadership to communities looking for information and methods for coping with the issues of growth and water supply;
  7. Provide leadership for on-farm and rural community drought and water assessment, monitoring, and improvement for agricultural purposes; and
  8. Have the authority to receive and disperse federal, state, and other funds for the purpose of on-farm and community drought and water assessment, monitoring, and improvements.
- (c) Subsection (1)(b) shall not be construed as changing the relationship between the cabinet and the Kentucky River Authority and their respective responsibilities for oversight of the Kentucky River as set out in KRS 151.700 and 151.720.
- (2) It is a finding of the General Assembly that groundwater is an important but vulnerable natural resource of this state, that the majority of rural Kentuckians rely exclusively on groundwater for drinking, and that groundwater is inextricably linked to surface waters which may also serve as a drinking water resource. It is also a finding that groundwater is a resource equally vital for agricultural, commercial, and industrial purposes and that useable groundwater is critical to the future development of these industries. Therefore, it shall be the policy of this state to manage groundwater for the health, welfare, and economic prosperity of all citizens.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 39, sec. 2, effective July 15, 2016. -- Amended 1992 Ky. Acts ch. 239, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 307, sec. 1, effective July 13, 1990; and ch. 410, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 367, sec. 1, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 384, sec. 39, effective June 17, 1978. -- Created 1966 Ky. Acts ch. 23, sec. 2.

**151.112 Planning process for management and development of water resources.**

- (1) The cabinet shall develop a comprehensive and systematic planning process for the long-range management and orderly development of the Commonwealth's water resources. The planning process shall generate over each biennium a plan for the implementation of specific goals and management objectives for the cabinet to achieve in meeting the Commonwealth's water needs. The biennial plan shall serve as the basis for the cabinet's budgeting process in allocating resources to the state's water resource programs. The planning process shall be developed to:
  - (a) Protect, conserve, develop, and utilize the water resource in a manner consistent with the Commonwealth's duties for management of natural resources, the public's right to clean water, and the preservation of the natural, scenic, cultural, historic, and aesthetic values of the environment;
  - (b) Provide a coordinated framework for cooperation among federal, interstate, state, and local government agencies in the planning and management of water resources, in a manner consistent with KRS Chapter 147 and KRS 224.10-100(13);
  - (c) Be both anticipatory of future needs and reactive to problems;
  - (d) Provide for public involvement in the establishment of the comprehensive and systematic planning process, in plan development and implementation, and the allocation and prioritizing of resources for water resource management and development; and
  - (e) Establish a process for the collection and coordination of data regarding surface and ground water availability and quality, including the presence of point and nonpoint sources of pollution, instream flow information, withdrawal and use information, an assessment of flood damage and storm water management problems, and an identification and assessment of future data needs.
- (2) The continuous planning process shall include goals and objectives for ground and surface water quantity and quality management in order to assess the effectiveness of current programs in addressing the comprehensive water needs of the Commonwealth and to gauge the need for new or different programs to recommend to the General Assembly for legislation.

**Effective:** July 15, 1986

**History:** Created 1986 Ky. Acts ch. 367, sec. 2, effective July 15, 1986.

### **151.113 Kentucky Water Resources Board.**

- (1) The Kentucky Water Resources Board is hereby created for the purposes of assisting the cabinet in the implementation of KRS 151.110 and 151.112. The board shall be attached to the cabinet for administrative purposes.
- (2) The Kentucky Water Resources Board shall:
  - (a) Assist the cabinet in conducting research and developing recommendations to enhance the quality of water resources accessible for agricultural production in the state;
  - (b) Research emerging water resources issues, including the adequacy of water supplies available for agricultural production and in rural Kentucky;
  - (c) Examine potential actions to address deficiencies in water supplies identified by the board;
  - (d) Make recommendations for developing new and reliable water sources for key areas of farm production in Kentucky;
  - (e) Develop and provide the cabinet with recommendations regarding water use efficiency for all agricultural water uses;
  - (f) Develop recommendations for a strategy to promote water conservation in agricultural uses;
  - (g) Develop and provide recommendations to the cabinet, the Department of Agriculture, and the Soil and Water Conservation Commission regarding on farm and rural community drought and water assessment, monitoring, and improvements for agricultural purposes; and
  - (h) Request technical assistance from the following groups in order to establish a process for the collection and coordination of data on surface and ground water availability, water quality, the presence of point and nonpoint sources of pollution, instream flow, water withdrawal and use, flood damage and storm water management, and the identification and assessment of future data needs:
    1. Kentucky Geological Survey;
    2. United States Geological Survey;
    3. Kentucky Water Resources Institute;
    4. Interagency Technical Advisory Committee on Groundwater;
    5. Soil and Water Conservation Commission; and
    6. Any other water group the board deems necessary.
- (3) The Kentucky Water Resources Board shall consist of eleven (11) members as follows:
  - (a) The secretary of the cabinet or the secretary's designee, who shall serve as chair;
  - (b) The Commissioner of the Kentucky Department of Agriculture or the Commissioner's designee, who shall serve as vice chair;
  - (c) The dean of the University of Kentucky College of Agriculture, Food, and Environment or the dean's designee;
  - (d) Six (6) members appointed by the Governor as follows:
    1. One (1) member selected from a list of three (3) submitted by the Kentucky Association of Conservation Districts, who shall serve an initial term of four (4) years;
    2. One (1) member selected from a list of three (3) submitted by the Kentucky Chamber of Commerce, who shall serve an initial term of four (4) years;

3. One (1) member selected from a list of three (3) submitted by the Kentucky County Judge/Executive Association, who shall serve an initial term of three (3) years;
  4. One (1) member selected from a list of three (3) submitted by the Kentucky Farm Bureau, who shall serve an initial term of three (3) years;
  5. One (1) member selected from a list of three (3) submitted by the Kentucky League of Cities, who shall serve an initial term of two (2) years; and
  6. One (1) member selected from a list of three (3) submitted by the Kentucky Rural Water Association, who shall serve an initial term of two (2) years; and
- (e) The board shall have two (2) nonvoting liaisons who are members of the General Assembly, one (1) of whom shall be a member of the House of Representatives appointed by the Speaker of the House of Representatives, and one (1) of whom shall be a member of the Senate appointed by the President of the Senate.
- (4) Members appointed under subsection (3)(d) of this section shall serve a term of four (4) years and may be reappointed. A person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of that term.
- (5) (a) The Kentucky Water Resources Board shall meet at the call of the chair and members shall not receive compensation for serving on the board.
- (b) Six (6) members of the board shall constitute a quorum for the purposes of doing business.

**Effective:** July 15, 2016

**History:** Created 2016 Ky. Acts ch. 39, sec. 1, effective July 15, 2016.

**Legislative Research Commission Note (7/15/2016).** During codification, the Reviser of Statutes has combined the duties of the Kentucky Water Resources Board that appeared in subsections (2) and (6) of 2016 Ky. Acts ch. 39 into one list of duties in subsection (2) of this statute under authority of KRS 7.136(1)(a).

**Kentucky Water Resources Board  
Draft Ground Rules  
Updated 7-27-2016**

**1. Water Resources Board Governance:**

- a. The Kentucky Water Resources Board consists of eleven (11), including three (3) *ex officio* members and six (6) members appointed by the Governor, and two (2) non-voting liaisons who are members of the General Assembly.
- b. The Secretary of the EEC shall serve as Chair and will run the meetings. In the absence of the Chair, the Chair may appoint a proxy.
- c. A quorum is established by attendance in person by at least 6 members (KRS 151.113 (5) (b)).
- d. Water Resources Board members may conference and communicate in meetings by phone, but will not be able to vote by phone.
- e. Meeting notice, draft agenda and draft minutes will be delivered to group members at last 2 business days in advance of the meeting
- f. Public meeting notice will be made by Energy and Environmental Cabinet at least 24 hours in advance of meetings
- g. Water Resources Board meetings will be open and accessible to the public and Workgroup meeting materials are subject to the Kentucky Open Records Act (KORA).
- h. Minutes of the Water Resources Board meetings will be kept and made available to the public after acceptance by the Water Resources Board.
- i. The Water Resources Board may establish sub-groups for the purpose of gathering information and educating board members; subject matter experts or other resources may be identified by the Workgroup to assist with sub-group activities; sub-group meetings of less than a quorum will not be subject to open meetings requirements.
- j. Copies of all printed materials presented at the Water Resources Board meetings will be made available to the public at the meetings

**2. Workgroup members will:**

- a. Make effort to attend majority of meetings.
- b. Let the Chair know at least 24 hours in advance if he/she cannot attend the meeting
- c. Come prepared to meetings, listen attentively and limit side conversations
- d. Actively participate and respect the input of others during meetings
- e. Actively work towards consensus for the benefit of public health and safety
- f. Be assigned to one or more sub-committees
- g. Silence their phones during the meetings, and excuse themselves from the meeting if they must make or take a phone call.

**3. Decision making and recommendations of the workgroup:**

- a. The minutes and agenda will be reviewed and approved at the beginning of each Water Resources Board meeting
- b. Chair will work to gain consensus of all Water Resources Board members for recommendations and action items.
- c. Decisions and final recommendations of the Water Resources Board must be approved by a simple majority of Water Resources Board members in attendance at the meetings.
- d. Decisions, recommendations and action items will be recorded in the minutes.

**4. Workgroup Attendees (guests, media, liaison, resources, presenters))**

- a. Water Resources Board attendees must silence their phones during the meetings, and excuse themselves from the meeting if they must make or take a phone call.
  - b. At the discretion of the chair, the meeting may have a comment period when the public/attendees may address the workgroup.
  - c. The Chair may call for input from liaisons, resources or presenters during the course of the meeting.
5. After adoption, Water Resources Board Ground Rules may be amended by a majority vote of the Water Resources Board members in attendance at any meeting of the Water Resources Board.



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## **Kentucky Water Management Working Group**

### **OBJECTIVE**

The Water Management Working Group (WMWG), a 20-member task force assembled by Kentucky Farm Bureau, is charged to develop recommendations that will enhance the quality and quantity of water resources accessible for agricultural production in the state and help alleviate demand pressure on municipal water supplies. Its mission is to research the emerging critical issue of inadequate water supplies available for agricultural production, examine potential actions to solve deficiencies and make recommendations for bringing new and reliable water sources to key areas in Kentucky that will benefit both agriculture and municipal water customers. Proactive steps taken today will build a strong foundation for the Commonwealth to better manage its water resources for all residents in the future.

### **LEADERSHIP**

The 20-member WMWG is chaired by Mr. Steve Coleman and includes farm leaders from across the Commonwealth as well as representatives of the Kentucky Association of Conservation Districts, Kentucky Department of Agriculture, Kentucky Rural Water Association, UK College of Agriculture, Food and Environment, Kentucky League of Cities, Kentucky Division of Water, Governor's Office of Agricultural Policy, Kentucky Division of Conservation, USDA Natural Resources Conservation Service, USDA Farm Service Agency and USDA Rural Development Office.

### **SITUATION**

Kentucky's nearly \$6 billion agriculture industry has 76,500 farms and roughly 13 million acres of farmland featuring 1.5 million acres of corn, 1.7 million acres of soybean, over 500,000 acres of wheat, nearly 92,000 acres of tobacco, 2.2 million acres of hay, \$1 billion in poultry production, over 1 million head of cattle, over 300,000 hogs, nearly 250,000 horses, over 65,000 goats, 48,000 sheep and 63,000 dairy cattle in production according to the 2012 Census of Agriculture.

The Kentucky Division of Water (KDOW) reported that in 2012 Kentucky had 73,573 irrigated acres of cropland. Roughly only 1.1 percent of soybean acreage and 2.1 percent of corn acreage is irrigated statewide. The most heavily irrigated crop in Kentucky is tobacco with 14.5 percent irrigated. However, only 2 percent (20 million gallons/day) of Kentucky's water resources are utilized for agricultural irrigation and 4.7 percent (46 million gallons/day) used for livestock watering. The largest water use in Kentucky is for public consumption at 56.3 percent (552 million gallons/day) of the water supply followed by industrial use at 24.6 percent (242 million gallons/day). Although Kentucky developed a drought mitigation plan in 2008, there is no specific plan for agriculture. Development of an effective plan addressing agriculture's projected needs, conducting an inventory of all water resources to identify drought vulnerabilities, pursuing opportunities to expand private and public water supplies and a public education initiative would be needed to address that shortfall.

Kentucky is also one of just a few states that do not have a groundwater monitoring system to track changes in the water table. Kentucky has only one well located in Graves

County that monitors groundwater. However, Kentucky does have a number of surface water monitoring sites on rivers and streams.

## **MOVING FORWARD**

Developing, and protecting Kentucky's water resources will position our agricultural industry for continued growth and success and enhance rural municipal water availability for all users. With that goal in mind, the WMWG continues to identify areas of interest that will help achieve that goal. A few of those areas identified as future points of discussion include:

- Increase public awareness of the importance of our water resources to our agricultural production capacity and to Kentucky's economic development potential.
- Development of an effective statewide water resources network for comprehensive monitoring and tracking of Kentucky's water resources- surface water, aquifers, springs, ponds, and lakes.
- Encourages the use of local, state and national funding opportunities to improve Kentucky's water resources.
- Explore means for more comprehensive ways to track, monitor, and report early onset of low soil moisture conditions to augment the computerized models that provide the soil moisture conditions in specific regions across Kentucky.
- Create a better projection of future agricultural water needs or potential increases in water use for expanded production opportunities and general economic growth. This would include a review of the current Drought Mitigation Plan, water laws and policies and develop recommendations as needed.
- Develop and/or improve agricultural best management practices that improve water efficiency, promote soil health and create additional water resources while utilizing modern technologies to increase efficiencies.
- Review the capacity of rural and urban water supplies and their vulnerability during low water flow or drought conditions to meet demand.
- Support adequate funding for Kentucky Mesonet operational cost while expanding coverage of Mesonet sites into more Kentucky counties to provide a more complete weather database of conditions affecting the state's agriculture and water supplies.
- Expand beyond the five Mesonet stations that currently have soil moisture sensors.
- Coordinate efforts with the Kentucky Water Resources Board and the Kentucky Agriculture Water Quality Authority.

For more information on the work of the Kentucky Water Management Working Group, to review data and information collected and to see notices of future Working Group meetings, visit **KYFB.com/Water**, or contact Joe Cain, Director, Kentucky Farm Bureau Commodity Division at (502) 495-7738 or by emailing at [joe.cain@kyfb.com](mailto:joe.cain@kyfb.com).